IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CRI.JURISDICTION

CRIMINAL APPLICATION NO.2815 OF 2005

Shri. Nikunj Kirti Kanakia. ....Applicant.

Vs.

Union of India and ors. ....Respondents.

Mr. Sujay N. Kantawala i/by Yogesh Rohira for the applicant.

Mr. H.V. Mehta for the respondents.

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CORAM : V.M. KANADE,J.

DATED : 4/5/2005.

P.C.:

1. The learned counsel for the applicant has filed this application for quashing conviction imposed by Addl. Chief Metropolitan Magistrate, 3rd Court Esplanade, Mumbai directing the applicant to attend the office of D.R.I. from 11.a.m. to 2.00p.m. and thereafter as and when necessary. It is submitted that the applicant is suffering from Maleria and is admitted in the Lilawati Hospital. It is submitted that he has also filed an explanation and paid certain amount without prejudice to his rights and contentions. It is submitted that therefore, the

said order be modified. The learned counsel for the respondents submitted that the applicant is now discharged from the hospital. The learned counsel for the applicant makes a statement that he will cooperate with the D.R.I. after recovery from the illness and at the moment, he needs rest for some more time. However, the applicant shall report D.R.I. Office as soon as he recovers from his illness and thereafter attend the office of D.R.I. as and when he is called. If applicant does not report to D.R.I. office after two weeks, then modification of the order granted shall stand vacated without further reference to the court. With these directions, application is disposed of.

(V.M. KANADE,J.)